

Message Text

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C O N F I D E N T I A L STATE 129868

EXCON

E.O. 11652: XGDS-1

TAGS: ESTC, COCOM, CZ, IT, UK

SUBJECT: UK AND ITALIAN DIGITAL COMPUTERS TO
CZECHOSLOVAKIA - IL 1565

REFS: A) COCOM DOC (74)1489

B) COCOM DOC (74)1951

1) SINCE THESE CASES INCLUDE 3330-TYPE DISC DRIVES, US
APPROVAL IS CONTINGENT ON MEETING SAFEGUARD CONDITIONS IN
ACCORDANCE WITH US PROPOSAL ON IL 1565. THESE CONDITIONS
ARE UNDERSTOOD TO BE ACCEPTABLE TO THE SUPPLIER FIRM. THE
US IS PREPARED TO SECURE THESE COMMITMENTS DIRECTLY FROM
THE FIRM IN CONJUNCTION WITH ISSUANCE OF THE US EXPORT
LICENSE UNLESS THE RE-EXPORTING COUNTRY PREFERS TO SECURE
THESE COMMITMENTS ITSELF AND TO ACCEPT RESPONSIBILITY
FOR THE ONGOING ADMINISTRATION OF THE SAFEGUARDS.

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2) YOU SHOULD TAKE UP THIS QUESTION WITH (UK (REF A)) (
ITALIAN (REF B)) DEL TO ASK WHETHER HIS GOVERNMENT WISHES
TO ENTER INTO SAFEGUARD ARRANGEMENTS DIRECTLY WITH FIRM
OR PREFERS US DO SO AND ADVISE.

3) AFTER UNDERTAKING THE BILATERAL CONTACT FORESEEN ABOVE, YOU MAY LIFT US RESERVE IN COMMITTEE AND INDICATE THAT US APPROVAL IS CONTINGENT ON SAFEGUARDS CORRESPONDING TO

NOTE 5(D) AND (E) OF US PROPOSAL ON IL 1565 AS REVISED APRIL 4. VISITATION CONDITIONS OF NOTE 5(E)(III) HAVE, HOWEVER, BEEN MODIFIED TO MONTHLY INSPECTIONS FOR THREE YEARS FOLLOWED BY QUARTERLY INSPECTIONS FOR NEXT THREE YEARS. THIS IS IN ACCORDANCE WITH US ACCEPTANCE OF UK COMPROMISE PROPOSAL ON INSPECTIONS DURING MAY NEGOTIATING ROUND.

4) THE FULL SET OF CONDITIONS FOR USE IN YOUR BILATERAL DISCUSSIONS ARE AS FOLLOWS:

(A) A RESPONSIBLE REPRESENTATIVE OF (CEZ) (VUMS) OR THE CZECH IMPORTING AGENCY HAS FURNISHED OR WILL FURNISH PRIOR TO SHIPMENT OF THE EQUIPMENT, A SIGNED STATEMENT DESCRIBING THE END-USE OF THE 370/125 COMPUTER SYSTEM AND THE 3330/3333 DISC DRIVES AND CONTROL UNITS, AND CERTIFYING THAT:

- (1) THE EQUIPMENT WILL ONLY BE USED FOR CIVIL APPLICATIONS;
- (2) THE EQUIPMENT WILL NOT BE REEXPORTED OR OTHERWISE DISPOSED OF WITHOUT PERMISSION OF THE EXPORTING GOVERNMENT;
- (3) RESPONSIBLE WESTERN REPRESENTATIVES OF APPLICANT WILL HAVE THE RIGHT OF ACCESS TO THE COMPUTER SYSTEM AND THE DISC DRIVES AND CONTROL UNITS, AND WILL BE FURNISHED INFORMATION DEMONSTRATING THEIR CONTINUED CIVIL APPLICATION; AND
- (4) THE EXPORTING GOVERNMENT AND THE ABOVE REPRESENTATIVES WILL BE NOTIFIED OF ANY SIGNIFICANT CHANGE IN THE APPLICATIONS OR OTHER FACTS ON WHICH THIS REEXPORT AUTHORIZATION AND EXPORT LICENSE WERE BASED.

(B) APPLICANT HAS AGREED, OR WILL AGREE PRIOR TO SHIPMENT
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OF THE EQUIPMENT, THAT:

- (1) THE 3330/3333 DISC DRIVES AND CONTROL UNITS WILL BE CONNECTED WITH THE 370/125 COMPUTER SYSTEM;
- (2) SPARE PARTS FOR THE DISC DRIVES AND CONTROL UNITS WILL REMAIN UNDER APPLICANT'S CONTROL, AND THE QUANTITY OF SPARES ON-SITE WILL BE LIMITED TO THAT NECESSARY FOR SUPPORTING THE UNITS FOR SIX MONTHS;
- (3) A RESPONSIBLE WESTERN REPRESENTATIVE OF APPLICANT WILL VISIT AND INSPECT THE DISC DRIVES AND CONTROL UNITS AT LEAST MONTHLY DURING THE FIRST THREE YEARS FOLLOWING INSTALLATION AND AT LEAST QUARTERLY FOR THE NEXT THREE YEARS, AND WILL REPORT TO THE LICENSING AUTHORITIES WHETHER THE UNITS ARE STILL AT THEIR AUTHORIZED LOCATION,

WHETHER THEY ARE STILL CONNECTED WITH THE 370/125 COMPUTER, WHETHER THERE HAS BEEN ANY SUBSTANTIAL PHYSICAL CHANGE IN THEM, AND WHETHER THEY ARE BEING USED FOR THE APPROVED PURPOSES; AND

-- (4) NO TECHNICAL DATA RELATING TO THE DESIGN, DEVELOPMENT, OR PRODUCTION OF THE DISC DRIVES AND CONTROL UNITS WILL BE DISCLOSED, AND THE TECHNICAL DATA AND TRAINING WHICH ARE PROVIDED WILL BE LIMITED TO THE MINIMUM NEEDED FOR THE MAINTENANCE, REPAIR AND OPERATION OF THE UNITS.

(C) THE REQUESTING GOVERNMENT WILL REPORT PROMPTLY TO COCOM ANY VIOLATION OF THESE CONDITIONS OR ANY EVIDENCE OF REMOVAL OR DIVERSION OF THE DISC DRIVES AND CONTROL UNITS FROM THE AUTHORIZED PURPOSES, AND WILL TERMINATE EXPORTS OF EQUIPMENT, TECHNOLOGY, AND ALL SUPPLIER SUPPORT FOR THE UNITS.

5) USDEL SHOULD NOTE IN CONNECTION WITH REF B THAT THE VALUE OF THE 370/125 COMPUTER SYSTEM AND RELATED EQUIPMENT MANUFACTURED IN WESTERN EUROPE IS 1,048,213 DOLLARS. KISSINGER

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<< END OF DOCUMENT >>

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